

|                               |   |                                 |               |
|-------------------------------|---|---------------------------------|---------------|
| <b>Application Number:</b>    | P/FUL/2021/05535  |                                 |               |
| <b>Webpage:</b>               | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>   |                                 |               |
| <b>Site address:</b>          | Land to the front and side of Old Oaks Eastworth Road Verwood BH31 7PJ  |                                 |               |
| <b>Proposal:</b>              | Change of use of verge to form part of residential garden. Erect detached carport and vehicular access between carport and adopted highway. |                                 |               |
| <b>Applicant name:</b>        | Mr F De Kock  |                                 |               |
| <b>Case Officer:</b>          | Lucy Page   |                                 |               |
| <b>Ward Member(s):</b>        | Cllr Coombs, Cllr Flower and Cllr Gibson  |                                 |               |
| <b>Publicity expiry date:</b> | 2 March 2022  | <b>Officer site visit date:</b> | 12 April 2022 |
| <b>Decision due date:</b>     | 12 July 2022  | <b>Ext(s) of time:</b>          | 12 July 2022  |

**1.0** The application has been referred to committee by the Service manager.

**2.0 Summary of recommendation:**

GRANT subject to conditions.

**3.0 Reason for the recommendation:** as set out in para 15.1 at end

- The development proposal with appropriate conditions requiring further details of landscape planting would ensure that the change of use of the verge and the erection of carport and highway access would not have an adverse impact on the character and appearance of the area or the surrounding landscape.
- The development would not result in any significant harm to neighbouring residential amenity in accordance with Policy HE2 of the Local Plan.
- With the amendments secured the proposal would not have an adverse impact on users of the highway network and would provide an acceptable level of on-site parking provision.
- The proposal could be implemented without detriment to protected trees and would accord with the aims of Policy of the Local Plan.

#### 4.0 Key planning issues

| Issue   | Conclusion  |
|---|---|
| Principle of development                          | Acceptable, the development is within the settlement boundary.  |
| Scale, design, impact on character and appearance | With appropriate conditions to secure hard and soft landscaping the development, as amended, would have an acceptable impact on the street scene. |
| Impact on amenity                                 | Acceptable, the proposal would ensure that amenity was acceptably maintained.   |
| Impact on landscape and trees                     | The development could be successfully accommodated without detriment to the protected Oak trees.  |
| Access and Parking                                | The development would not adversely impact on highway safety and would provide off street parking to serve an existing dwelling.                  |

#### 5.0 Description of Site

The application property comprises of the dwelling and existing garden of Old Oaks. The proposal relates to an area of mown grass to the front/side of the existing chalet style dwelling with annex and garage known as Old Oaks located in the town of Verwood. The site to which this application relates is located on the corner of Eastworth Road and Edmondsham Road and currently comprises an area of open land between the highway and Old Oaks. There are two Oak Trees that are the subject of a Tree Preservation Order within this space; one just outside of the red line boundary and one within it that are visible in the street scene, and both are proposed to be retained. Both trees are within land controlled by the applicant.

The proposal also includes the provision of a detached carport and new access to the side of the existing annex serving Old Oaks.

Following the construction of residential development on the western side of Eastworth Road (opposite the site), the surrounding area is now a more built up residential area comprising dwellings which vary in their style and age, including single storey, chalet and two storey properties. The site is located within the Verwood Urban Area as designated in the Christchurch and East Dorset Core Strategy (CS).

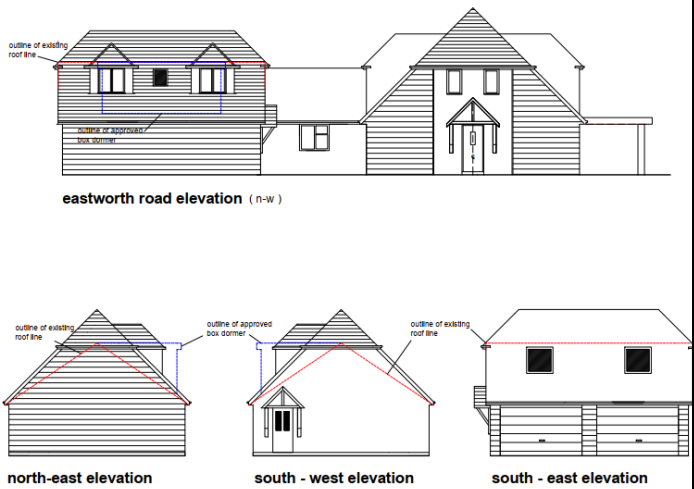
#### 6.0 Description of Development


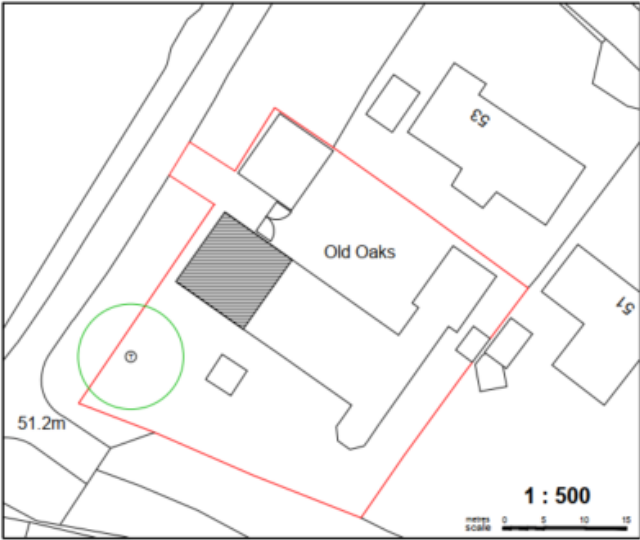
The proposed development seeks to change the use of verge to form part of residential curtilage and erect a detached carport and vehicular access between carport and adopted highway. The application comprises the extension of residential curtilage for the property known as Old Oaks on the area of mown grass land between the garage building and Eastworth Road and Edmondsham Road. The

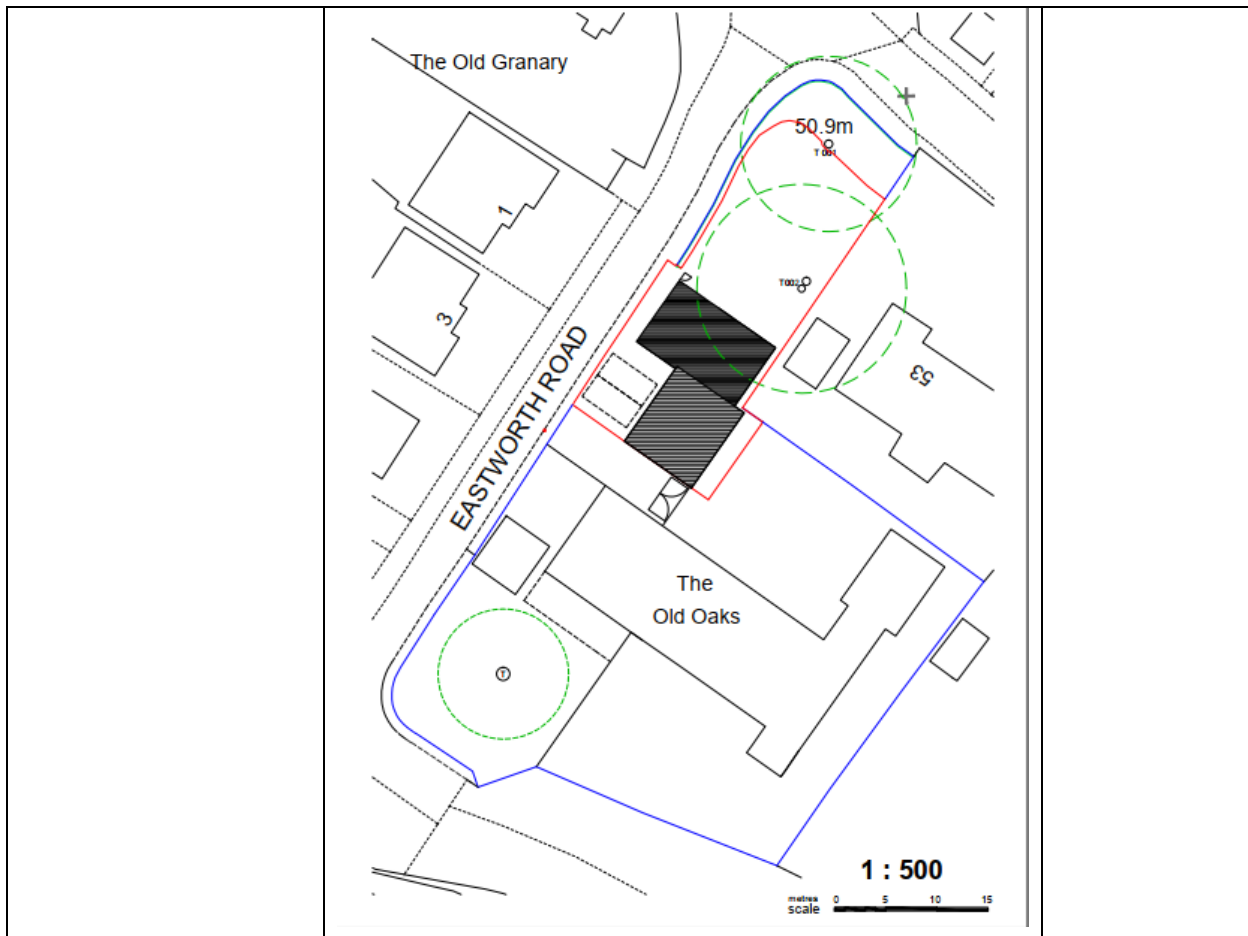
initial proposal included all of the land up to Edmondsham Road however as part of discussions between the agent and case officer, amended plans were received reducing the amount of land proposed to be included to enable part of the open character of this corner site to be retained.

During the course of this application permission has been granted for the annexe and land on which the car port would be positioned to be used as a separate dwelling (P/FUL/2021/05010) but this does not materially affect the considerations of this application.

## 7.0 Relevant Planning History

| Application      | Proposal  | Decision              |
|------------------|---|-----------------------|
| 3/18/0631/HOU    | Two storey side extension and alteration to roof  | Granted<br>17/08/2018 |
| 3/19/0243/HOU    | Proposed timber frame car port with office  | Granted<br>20/03/2019 |
| 3/20/0940/HOU    | Alterations to the existing garage, raising the roof creating two dormers to the Eastworth Road Elevation<br><br> | Granted<br>02/02/2021 |
| P/FUL/2021/05010 | Sub-divide the existing building to change the use of annexe to form 1no. self contained dwelling   | Granted               |

|                                |   |  |
|--------------------------------|---|--|
|                                |  <p><b>side elevation</b> (south - west)</p> <p><b>front elevation</b> (north - west)</p>   |  |
| <p>3/19/1382/CONDR</p>         |  <p><b>block plan</b></p> <p>The block plan above (from application 3/19/1382/CONDR courtesy of B81 Architecture) shows land previously accepted as forming the residential curtilage of Old Oaks.</p> | <p>Granted</p>                                   |
| <p><b>P/FUL/2021/05633</b></p> | <p><b>Sever land and erect a detached 3 bedroom chalet bungalow with associated vehicular access and parking.</b></p>   | <p><b>Also being considered at Committee</b></p> |



## 8.0 List of Constraints

Within the Urban Area of Verwood

Two Tree Preservation Orders: Description: English Oak

Within 5km of SSSI's: Holt and West Moors Heaths, Bugden's Copse and Meadows, Moors River System & Verwood Heaths;

## 9.0 Consultations

All consultee responses can be viewed in full on the website.

### Consultees

#### **DC - Highways**

No objection subject to conditions.

#### **DC - Trees (East & Purbeck)**

No objection subject to conditions.

**Cllr Flower- Verwood Ward Member (initial comments received)**

- I wish to raise an objection to this proposed stopping up of highway at this location as set out on the attached location diagram:
- Negative Impact of visibility onto Edmondsham Road, which itself is a narrow highway with constrained visibility and the significant amount of traffic volume, increasing by the day with the impact of the new housing development in this location
- Impact on the access to other properties which use Eastworth Road currently, the new property under construction and the impact on the safe use by pedestrians. This is a designated safe route to Trinity First School and is a huge concern which cannot be mitigated if this proposal is granted
- Concerns about the proposals impacting on the width of the access road for emergency services

**(follow up comments received confirming formal withdrawal of objection to this application)**

- My objection was the loss of the safe route to school. However, having recently visited the location I note that a formal footpath has now been installed as a result of the nearby Pennyfarthing housing development.
- Whilst not condoning the erection of the fence to the current position without permission I am now content that the adjacent footpath adequately deals with my concerns regarding the safe route to school so I formally withdraw my objection to this particular application.

**Verwood Town Council**

Objection – fully support the issues raised by Dorset Councillors.

**Representations received**

| Total - Objections | Total - Support   | Total - Comments |
|--------------------|---|------------------|
| None               | Two letters of representation: <ul style="list-style-type: none"><li>• The change of use of verge and construction of carport would further improve the recent development in this area</li><li>• Improve the character of the area</li></ul> |                  |

## 10.0 Relevant Policies

### Adopted Christchurch and East Dorset Local Plan:

The following policies are considered to be relevant to this proposal:

- KS1 - Presumption in favour of sustainable development
- KS2- Settlement hierarchy
- KS3 - Green Belt
- KS11 - Transport and Development
- KS12- Parking Provision
- HE1- Valuing and Conserving our Historic Environment
- HE2 - Design of new development
- HE3 - Landscape Quality
- ME1- Safeguarding biodiversity and geodiversity

### Other Material Considerations

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 79-80 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment.

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'

- Section 15 'Conserving and Enhancing the Natural Environment' - Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

## National Planning Practice Guidance

### 11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

### 12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

### 13.0 Climate Implications

The proposal would result in limited built form with the addition of a timber carport. Existing trees would be retained and new native hedging would be introduced which would represent a benefit to the existing situation.

### 14.0 Planning Assessment

14.1 The main considerations are:

- The impact on the streetscene and character of the area
- Impacts on highway safety



- Impacts on protected trees

#### Impact on the street scene and character of surrounding area

- 14.2 The proposal comprises the extension of residential curtilage for the property known as Old Oaks on the area of mown grass land between the garage building and Eastworth Road and Edmondsham Road. The initial proposal included all of the land up to Edmondsham Road however as part of discussions between the agent and case officer, amended plans were received reducing the amount of land proposed to be included to enable part of the open character of this corner site to be retained. The red line boundary submitted with the application indicates this with the blue line showing land owned by the applicant but not forming part of the planning application.
- 14.3 The plans now indicate that a distance of 7m would be retained between the fence line/hedged boundary of the garden area and the carriageway of Edmondsham Road and a distance of 2m between the fence line/hedging and the carriageway of Eastworth Road. In relation to the impact on the street scene and character of the area this was important to retain a sense of the open character on this corner with two roads and would also ensure that one of the two large Oak trees and the existing street furniture remain fully visible as part of the open front boundary when travelling along Edmondsham Road. Condition 7 restricts the erection of garages, sheds or other outbuildings being erected within this area; without planning permission first being obtained and Condition 4 requires details of the boundary treatment to be agreed prior to installation. Both conditions are considered necessary to ensure that this area retains its character.
- 14.4 The proposed car port would be positioned forward of the Old Oaks between the dwelling and Eastworth Road but it would be set back from the junction of Edmondsham Road by 54.7m and with the carriageway of Eastworth Road by 2.7m. Although the structure would be approximately 4.65m tall it would remain subordinate to the scale of the dwelling and would not appear visually incongruous within its setting. Subject to being constructed with appropriate materials, the carport is judged to accord with policy HE2.

#### Impact on the highway

- 14.5 As described above, the initial proposal included all of the land up to Edmondsham Road however this has now been reduced to enable space between the fence line demarcating the new residential curtilage and the carriageway. The plans now indicate that a distance of 7m would be retained between the fence line/hedged boundary of the garden area and the carriageway of Edmondsham Road and a distance of 2m between the fence line/hedging and the carriageway of Eastworth Road. It is noted that concerns were originally raised by a Local Ward Member about the reduction to the width of the access road for emergency services,

supported by the town council, however the development does not adversely impact on the existing dimensions of the access.

- 14.6 There is also a section of the site immediately adjacent to the front elevation of the Old Oaks dwelling and up to the proposed carport that would be hard surfaced and a vehicle cross over provided. It is considered that these changes would address previous concerns regarding visibility onto Edmondsham Road as the 7 metre setback of the hedgeline/fencing would enable visibility splays to be maintained and with a 2 metre set back along Eastworth Road (apart from immediately in front of the dwelling), pedestrians would still be able to use this land, (although it is also relevant that there is a tarmacked footpath on the opposite side of Eastworth Road).
- 14.7 It is anticipated that the new carport would serve the annexe (which has permission to be used as a separate dwelling). The existing garage building would continue to provide integral parking space with additional parking to the front of the building. The dwelling at Old Oaks would continue to be able to utilise a large parking area to the rear/side of their dwelling which is accessed between the existing garage and the existing dwelling. It is considered that the development provides sufficient off-street parking for any new development which may be approved under application 2021/05633 and the existing dwelling would also maintain a suitable level of parking and manoeuvring within their plot. The Highways Officer has raised no objections to the plans, with the exception of the proposed porous materials which do not meet highway standards and subject to confirmation that the development would not affect existing site lines. A condition (no. 3) has been added for details of the construction of the access to be submitted to and approved in writing by the LPA and the agent has agreed to this pre-commencement condition. It is considered that with this condition in place, the proposal would have an acceptable impact on the highway and would accord with Policies KS11 and KS12 of the Local Plan.

#### The effect on protected trees

- 14.8 The Tree Officer and applicant were involved in discussions prior to the submission of the application. The Tree Officer has confirmed that subject to condition (conditions 5 and 6), the development could be successfully accommodated without detriment to the protected Oak trees.

### **15.0 Conclusion**

The application, as amended, has successfully addressed concerns raised in relation to both the impact on the street scene and highway matters and it is now considered that subject to the conditions set out below, that the development accords with Local Plan policies HE2, KS1, KS11, KS12, ME2 and LN1 and the NPPF (2021).

### **16.0 Recommendation:** Approve subject to the following conditions:

Written agreement to the pre-commencement conditions was received from the applicant on 20 June 2022.

**Condition(s)**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Car port elevations 101/1221

Site Location and Block Plan 100/0622

RNapc report ref 233.1/AIA/1

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to commencement of development and notwithstanding the submitted plan drawing number 102/1221 showing permeable surfacing for the vehicular access and hardstanding, details of the materials to be used in the construction of the vehicular access and hardstanding and including parking and manoeuvring area, parking and visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The development shall be laid out, constructed and surfaced and thereafter retained and maintained in accordance with the approved details.

Reason: In the interests of highway safety.

Note: The use of permeable surfacing is unacceptable in relation to the highway crossover.

4. Prior to the commencement of any development hereby approved, a landscaping scheme providing details of the garden enclosure, including a planting scheme showing the mix of native species, shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development, unless an alternative timescale has been first agreed in writing with the Local Planning Authority which shall then be followed. The hedgerow planting shall be maintained and replaced as necessary during the first 5 years following its planting.

Reason: In the interest of visual amenity.

5. Prior to commencement of works (including site clearance and any other preparatory works) a pre-commencement site meeting between the Council's Tree Officer and the Arboricultural Consultant or Site Manager shall take place to confirm the protection specification for the affected protected trees. The protection of the trees shall be in accordance with the RNapc Tree Report

Reference 233/AIA/1 dated 17 December 2021. The tree protection measures shall be erected in accordance with BS5837:2012 and shall be positioned as shown on the Tree Protection Plan ref RNapc Reference 233/AIA/1 dated 17 December 2021. This is to be erected before any equipment, materials or machinery are brought onto the site for the purposes of development (including demolition). The protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered, or excavations made without the written consent of the planning authority.

Reason: To comply with the arboricultural and landscape requirements and to ensure that trees and landscape amenity are not harmed or lost during any stage of this development.

6. Prior to commencement of development or any preparatory works on site, samples of the cellular confinement system to be used to protect the tree roots from vehicular compaction including the samples of the cell infill aggregate, which shall be a 4-20mm clean angular granite or flint and not of a calcareous nature, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed in the extended garden area.

Reason: To protect amenity and the character of the area.

8. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any interruption to the free flow of traffic on the adjacent public highway.

9. The external materials for the carport shall match in type, colour and texture those used for the existing dwelling as set out in submitted application forms.

Reason: In the interest of visual amenity.

### **Informative(s)**

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

2. Informative: The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the County Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221020), by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
3. Extinguishment of highway rights  
The applicant is advised that that they must ascertain the extent of the existing highway in the immediate vicinity of the proposal and that any development that conflicts with the identified extent could lead to the need to formally extinguish the highway rights that exist upon it.

### **Background Documents:**

Case Officer: Lucy Page

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.